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FIBER TECHNOLOGIES NETWORKS, L.L.C.)
140 Allens Creek Road)
Rochester, NY 14618)
)
Complainant,)
)
v.) **No. _____**
)
TOWN OF SHREWSBURY ELECTRIC)
LIGHT PLANT)
100 Maple Avenue)
Shrewsbury, MA 01545-5398)
)
Respondents.)
)

I, Jennifer Starks, hereby depose and state the following:

1. I am over the age of 18 years and am competent to testify about the facts recited in this Affidavit. I make this Affidavit based upon my personal knowledge and in support of Complainant Fiber Technologies Networks, L.L.C.'s Complaint.
2. I am the Treasurer and Secretary of ECC Technologies Inc. As such, I provide services to Fiber Technology Networks, L.L.C. ("Fibertech") in Rochester, New York, which included assisting Fibertech in obtaining pole attachment agreements with pole owners in several states.
3. Respondent Town of Shrewsbury Electric Light Plant ("SELP") controls the poles on which Fibertech seeks to attach its fiber lines within the Town of Shrewsbury, Massachusetts.
4. Fibertech has requested access to SELP's poles for the attachment of its fiber lines.
5. I understand that Thomas R. Josie, General Manager of SELP, was designated by SELP to receive such a request for access.

6. On or about September 26, 2000, I had a telephone conference with Mr. Josie, requesting a pole attachment agreement and license to attach to SELP's utility poles. During this call, Mr. Josie stated that SELP does not allow anyone on their poles, stating, "there's nothing in it for me." A true copy of my notes regarding the September 26, 2000, telephone conference is attached hereto as Exhibit A and incorporated herein by reference.

7. On or about October 2, 2000, I sent to Mr. Josie, on behalf of Fibertech, a letter requesting a pole attachment agreement and license to attach to SELP's utility poles. Attached to my October 2, 2000, letter was a list of the SELP poles and their locations where Fibertech wished to attach. A true copy of Fibertech's October 2, 2000, letter is attached hereto as Exhibit B and incorporated herein by reference.

8. On or about October 17, 2001, I had another telephone conference with Mr. Josie. Mr. Josie informed me that SELP would not agree to *any* pole attachment agreement whereby Fibertech would retain ownership of the cable, again stating, "there's nothing in it for me." Mr. Josie informed me that Fibertech's only option would be to lease fiber optic cable from SELP. A true copy of my notes regarding the October 17, 2000, telephone conference is attached hereto as Exhibit C and incorporated herein by reference.

9. On or about November 1, 2000, SELP sent to Fibertech an outline for a lease of fiber optic cable in Shrewsbury. A true copy of the November 1, 2000, outline is attached hereto as Exhibit D and incorporated herein by reference.

The undersigned does hereby certify that the foregoing information is true to the best of her information, knowledge, and belief. Thus, the undersigned signs this affidavit on the _____ day of August, 2001, under the penalties of perjury.

Jennifer Starks